

# TRANSMITTAL FORM

Application Serial Number	10/712,790
Filing Date	November 13, 2003
First Named Inventor	Van Noy
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket No.	ADI-098
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input checked="" type="checkbox"/> Supplemental Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations (B1-B21)	<input type="checkbox"/> CD(s) for large table or computer program	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above		

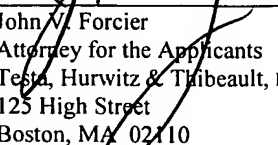
### CORRESPONDENCE ADDRESS

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### SIGNATURE BLOCK

Date: February 20, 2004  
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Respectfully submitted,

  
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PATENT  
Attorney Docket No. ADI-098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Van Noy et al.  
SERIAL NO.: 10/712,790 GROUP NO.: Not yet assigned  
FILING DATE: November 13, 2003 EXAMINER: Not yet assigned  
TITLE: Shoe Ventilation System

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

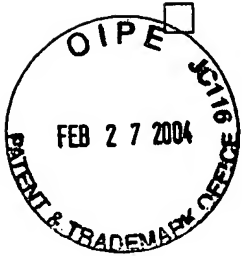
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with the U.S. Patent Office's partial waiver of the requirement under 37 C.F.R. 1.98(a)(2)(i), only copies of the foreign patent documents and non-patent publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or



- ☒ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

### STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

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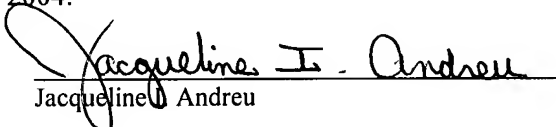
PATENT  
Attorney Docket No. ADI-098  
(257/64)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Van Noy et al.  
SERIAL NO.: 10/712,9790 GROUP NO.: Not yet assigned  
FILING DATE: November 13, 2003 EXAMINER: Not yet assigned  
TITLE: SHOE VENTILATION SYSTEM

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of February, 2004.

  
Jacqueline I. Andreu

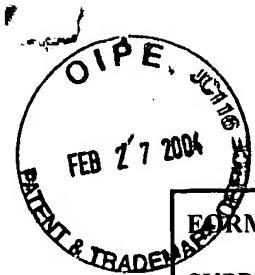
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

Transmittal Form (1 page);  
Supplemental Information Disclosure Statement (2 pages);  
Supplemental PTO Form 1449 (4 pages);  
Copies of cited references (B1-B21);  
and a return-receipt postcard.

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FORM PTO - 1449				ATTORNEY DOCKET NO.: ADI-098			
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Van Noy et al.			
				SERIAL NO.: 10/712,790			
				FILING DATE: November 13, 2003 GROUP: Not Yet Assigned			
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
		2003/0136024	07/24/03	Su			
		2002/0166262	11/14/02	Hernandez			
		2002/0078593	06/27/02	Pavelescu et al.			
		2002/0012784	01/31/02	Norton et al.			
		2002/0011009	01/31/02	Pan			
		6,594,918	07/22/03	Hatfield et al.			
		6,562,271	05/13/03	Hiraoka et al.			
		6,446,360	09/10/02	Sheets et al.			
		6,446,359	09/10/02	Tomat			
		6,416,610	07/09/02	Matis et al.			
		6,401,364	06/11/02	Burt			
		6,389,711	05/21/02	Polegato			
		6,041,518	03/28/00	Polycarpe			
		6,032,388	03/07/00	Fram			
		6,012,236	01/11/00	Pozzobon			
		5,992,052	11/30/99	Moretti			
		5,983,525	11/16/99	Brown			
		5,983,524	11/16/99	Polegato			
		5,979,076	11/09/99	Li			
		5,955,172	09/21/99	Hurten			
		5,852,884	12/29/98	Miotto			
		5,685,091	11/11/97	Yalamanchili			
		5,675,914	10/14/97	Cintron			
		5,664,343	09/09/97	Byrne			
		5,619,809	04/15/97	Sessa			

		5,611,152	03/18/97	Richard et al.			
		5,598,644	02/04/97	Polegato			
		5,588,226	12/31/96	Schenkel			
		5,551,172	09/03/96	Yu			
		5,505,011	04/09/96	Bleimhofer			
		5,499,459	03/19/96	Tomaro			
		5,400,526	03/28/95	Sessa			
		5,390,430	02/21/95	Fitchmun et al.			
		5,367,791	11/29/94	Gross et al.			
		5,367,788	11/29/94	Chen			
		5,357,689	10/25/94	Awai			
		5,341,581	08/30/94	Huang			
		5,317,819	06/07/94	Ellis, III			
		5,295,312	03/22/94	Blumberg et al.			
		5,044,096	09/03/91	Polegato			
		5,035,068	07/30/91	Biasi			
		4,993,173	02/19/91	Gardiner			
		4,939,851	07/10/90	Miller			
		4,910,887	03/27/90	Turner et al.			
		4,899,467	02/13/90	Mackey			
		4,899,465	02/13/90	Bleimhofer et al.			
		4,896,440	01/30/90	Salaverria			
		4,864,738	09/12/89	Horovitz			
		4,813,160	03/21/89	Kuznetz			
		4,776,110	10/11/88	Shiang			
		4,679,335	07/14/87	Berlese			
		4,654,982	04/07/87	Lee			
		4,507,880	04/02/85	Ohashi			
		4,438,573	03/27/84	McBarron			
		4,297,796	11/03/81	Stirtz et al.			
		4,222,183	09/16/80	Haddox			
		4,134,955	01/16/79	Hanrahan, Jr. et al.			
		4,005,531	02/01/77	Weintraub, et al.			

		3,863,272	02/04/75	Guille			
		3,574,958	04/13/71	Martuch			
		3,383,782	05/21/68	McGinnity			
		3,273,265	09/20/66	Reinert et al.			
		3,086,301	04/23/63	Pastor			
		2,884,716	05/05/59	Shelare et al.			
		2,725,645	12/06/55	Scala			
		2,474,815	07/05/49	Brahm			
		2,408,792	10/08/46	Margolin			
		1,797,309	03/24/31	Wojciechowski			
		1,616,254	02/01/27	Suárez			
		1,138,557	05/04/1915	Gustaveson			
		905,617	12/01/1908	Wood			
		896,488	08/18/1908	Valiant			
		387,335	08/07/1888	Barker			
		363,377	5/24/1887	Faye, Jr.			

## FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLIS H LANG (Y/N)
	B1	198691	07/15/38	CH				No	Yes
	B2	G 92 08 875.9	10/29/92	DE				No	Yes
	B3	199 37 334 A1	10/31/01	DE				Yes	Yes
	B4	41 28 704 A1	03/04/93	DE				Yes	Yes
	B5	32 25 451	02/17/83	DE				Yes	Yes
	B6	203734	04/07/1908	DE				No	Yes
	B7	121957	10/06/1900	DE				No	Yes
	B8	20808	04/27/1882	DE				No	Yes
	B9	0960 579	12/01/99	EP				No	Yes
	B10	0956 789	11/17/99	EP				No	Yes
	B11	0927 524 A1	07/07/99	EP				No	Yes
	B12	0857 433 A2	08/12/98	EP				Yes	Yes
	B13	0350 611 B1	05/17/95	EP				Yes	Yes

	B14	1 142 786	09/23/57	FR				No	Yes
	B15	2 315 010	01/21/98	GB				No	Yes
	B16	2 183 140	06/03/87	GB				No	Yes
	B17	395 221	07/13/33	GB				No	Yes
	B18	352511	09/15/37	IT				No	Yes
	B19	99/66812	12/29/99	WO				No	Yes
	B20	97/28711	08/14/97	WO				No	Yes
	B21	94/06317	03/31/94	WO				No	Yes
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
EXAMINER					DATE CONSIDERED				

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